

**DURHAM, NORTH CAROLINA
MONDAY, OCTOBER 4, 2010
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the pledge of allegiance led by Council Member Clement.

Mayor Bell read the following proclamations: Disability Awareness Month presented to Sarah Hogan; Fire Prevention Week [October 3-9, 2010] presented to Fire Marshall Kenneth Crews; National Arts and Humanities Month presented to Sherry DeVries and Eddie Blount representing the Durham Arts Council and 2010 Piedmont Laureate Zelda Lockhart read her work in honor of this occasion; October 6, 2010 as International Walk to School Day presented to Theresa Cromling with Safe Kids; Prayer and Fast Month presented to Starshema Smith; Health Insurance Week [October 11-17, 2010] presented to Christina Sycks with Triangle Association of Health Underwriters, October 7, 2010 as Project Homeless Connect and Veterans Stand Down Day presented to Lanea Foster with the 10-Year Plan to End Homelessness. Comments were made by recipients of proclamations.

Mayor Bell recognized Barbara Loftin and Mary Thomas who introduced the Durham Fisher Middle School Debate Team [Kelley Traynham, Jermaine Holliday, Kopyln Cheston, Malinda Jolly and Jodyn Lawrence] associated with *We the People Frontier International Finals*. The Mayor read a statement that recognized Durham being named as *One of the Nation's 100 Best Communities for Young People* by America's Promise Alliance. He reported the City would receive two road signs identifying the city as one of the 100 Best, a trophy to be presented to local officials later this year and a \$1,000 grant.

Council Member Ali recognized the City and its work with MED Week, announced activities that would take place this week and congratulated the Durham businesses [Joe's Diner, BU Cafe and Pier Making Consultant] that received awards for their hard work in minority business enterprise.

Mayor Pro Tempore Cole-McFadden recognized the work that Lanea Foster [10-Year Plan Staff] continues to do as it relates to the prevention of ending homelessness in Durham. She announced that there will be a kick off for Circles of Support [approved by the 10-Year Plan Executive Committee] at Project Homeless Connect.

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Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. Regarding Agenda Item # 22 [Statutory Vested Rights Determination—Bethpage Village and Chin Page Office Park], City Manager Bonfield stated a request has been received by the applicant requesting that the public hearing be opened and continued to the November 15, 2010 City Council Meeting without taking comments or receiving the staff report.

MOTION by Council Member Clement seconded by Council Member Ali to accept the City Manager's priority item was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

There were no priority items from the City Attorney.

City Clerk Gray swore in Christopher Ammon as a member of the Durham Open Space and Trails Commission.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to excuse Council Member Clement from the October 7, 2010 Work Session was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Items 4 and 6 were pulled by a citizen.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the Consent Agenda as amended was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve City Council minutes for the following meetings was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

August 19, 2010 - Special Meeting
September 7, 2010 - Special Meeting
September 7, 2010 - Regular Meeting

**SUBJECT: BIDS – TERM CONTRACT FOR ASPHALTIC CONCRETE -
CAROLINA SUNROCK CORPORATION**

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MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to accept the bid from the Carolina Sunrock Corporation, in the estimated amount of \$680,750.00, for providing the City with its Estimated Annual Requirements for Asphaltic Concrete; and

To authorize the City Manager to enter into a contract with Carolina Sunrock Corporation, in the estimated amount of \$680,750.00 for providing the City with its Estimated Annual Requirements for Asphaltic Concrete was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: BID REPORT – AUGUST 2010

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of August 2010 was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Date: August 31, 2010

To: Thomas J. Bonfield, City Manager

Through: Wanda S. Page, Deputy City Manager
David Boyd, Finance Director

From: Joseph W. Clark, CLGPO, Purchasing Manager

Subject: Bid Report – August 2010

Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of August 2010.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid:** **Two (2) HVAC Units**

Purpose of Bid: To provide Energy Star Two Stage Air and Gas Pak units for the Impact Team Center on Driver Street.

Comments: 2 units @ \$9,625.00/each

Opened: July 30, 2010

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Bidders:	Lee Air Conditioning	* \$19,250.00
	Durham, NC	
	Rural Plumbing & Heating	\$21,093.00
	Raleigh, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	108		# Black Males	5	3%
Total # Females	9	7%	# White Males	78	60%
Total # Males	99	93%	# Other Males	16	30%
			# Black Females	1	1%
			# White Females	7	5%
			# Other Females	1	1%

2. Bid: Annual Requirements for Ready Mixed Concrete

Purpose of Bid: To provide city departments/divisions with their annual requirements for ready mixed concrete.

Comments:

Opened: August 5, 2010

Bidders:	Chandler Concrete	* \$68,840.00
	Burlington, NC	
	Carolina Sunrock	\$72,160.00
	Butner, NC	
	Ready Mixed Concrete Co.	\$82,560.00
	Durham, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	443		# Black Males	83	19%
Total # Females	33	17%	# White Males	321	63%
Total # Males	410	83%	# Other Males	6	1%
			# Black Females	0	0%
			# White Females	33	17%
			# Other Females	0	0%

3. Bid: Transportation Sign Blanks

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Purpose of Bid: To provide the Transportation/Sign Shop with sign blanks to produce traffic signs.

Comments: 1,100 @ \$9.74/each

Opened: August 3, 2010

Bidders:	Vulcan Signs	* \$10,709.00
	Foley, AL	
	Newman Signs	\$13,845.00
	Jamestown, ND	
	Korman Signs	\$17,564.00
	Richmond, VA	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	176		# Black Males	49	27%
Total # Females	28	16%	# White Males	98	55%
Total # Males	148	84%	# Other Males	1	1%
			# Black Females	5	3%
			# White Females	22	12%
			# Other Females	1	1%

4. Bid: Pineywood Park Lighting System

Purpose of Bid: Furnish and install a computerized lighting system at the Pineywood Park

Comments: All of the field lights in the City Parks are on a Musco system. Installing a different system would make it difficult for the Parks & Recreation staff to control the lighting at all of their facilities effectively. Another system would also add additional cost for training, redundant controls, software, etc., Musco Sports Lighting is the only known source for the system.

Opened: August 10, 2010

Bidders:	Musco Sports Lighting	* \$19,750.00
	Oskaloosa, IA	

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*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	905		# Black Males	1	1%
Total # Females	286	32%	# White Males	589	60%
Total # Males	619	68%	# Other Males	29	7%
			# Black Females	0	0%
			# White Females	274	29%
			# Other Females	12	3%

5. Bid: HVAC Unit (15 ton)

Purpose of Bid: To install and replace the HVAC Unit in the Main Control Building at North Durham WRF

Comments:

Opened: August 3, 2010

Bidders:	Comfort Engineers, Inc.	* \$12,510.00
	Durham, NC	
	Climate Control Experts	\$13,200.00
	Bahama, NC	
	Durham Mechanical Services	\$15,950.00
	Durham, NC	

*Awarded based on: ☒ Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	154		# Black Males	28	18%
Total # Females	12	08%	# White Males	106	69%
Total # Males	142	92%	# Other Males	8	5%
			# Black Females	1	1%
			# White Females	11	7%
			# Other Females	0	0%

6. Bid: Trojan Ultra Violet Lamps and Parts

Purpose of Bid: To provide the Water Management Department with ultra violet lamps and parts for the wastewater treatment operations.

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Comments: EW2 Environmental is the sole regional source for Trojan brand UV parts, sales, and service.

Opened: August 11, 2010

Bidders: EW2 Environmental, Inc. * \$81,766.00
Charlotte, NC

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	8		# Black Males	0	0%
Total # Females	3	38%	# White Males	5	62%
Total # Males	5	62%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	3	38%
			# Other Females	0	0%

7. Bid: Term Contract for Aggregates

Purpose of Bid: Aggregates are used to achieve soil stabilization around water and sewer pipes, road maintenance and repairs. Various City departments use aggregates in their day-to-day operations. Under this contract it will provide City departments/divisions with eighteen types of aggregates and the option of having it either delivered or picked up.

Comments: Sections I & III – Aggregates Delivered – have proven feasible and effective for various City departments that do not have truck capability to pick up aggregates.

Section II – Aggregates Picked Up – allows the departments with truck capability and capacity to transport large loads of aggregates to pick up the purchase, especially when aggregates are needed for emergencies, unexpected repairs, maintenance and weather related issues, etc.

The recommended awards are Hanson Aggregates Southeast LLC in the amount of \$235,787.50 for Section I - Aggregates Delivered and Section II – Aggregates – Picked Up and items 1 and 3 for Section III – Special Aggregates Delivered.

Carolina Sunrock LLC in the amount of \$24,772.50 for item 2
Section III – Special Aggregates Delivered.

Opened: August 13, 2010

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Bidders: Section I – Aggregates Delivered

Hanson Aggregates Southeast LLC	* \$105,662.50
Morrisville, NC	
Carolina Sunrock LLC	\$117,782.50
Raleigh, NC	

Section II – Aggregates Picked Up

Hanson Aggregates Southeast LLC	* \$60,750.00
Morrisville, NC	
Carolina Sunrock LLC	\$77,080.00
Raleigh, NC	

Section III – Special Aggregates Delivered (awarded by item)

Section III--Item 1

Hanson Aggregates Southeast LLC	* \$6,875.00
Morrisville, NC	
Carolina Sunrock LLC	\$8,772.50
Raleigh, NC	

Section III--Item 2

Carolina Sunrock LLC	* \$24,772.50
Raleigh, NC	
Hanson Aggregates Southeast LLC	No Bid
Morrisville, NC	

Section III--Item 3

Hanson Aggregates Southeast LLC	* \$62,500.00
Morrisville, NC	
Carolina Sunrock LLC	\$79,450.00
Raleigh, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS – Hanson Aggregates Southeast LLC
CORPORATION STATISTICS

Total Workforce	22		# Black Males	8	36%
Total # Females	2	9%	# White Males	12	54%
Total # Males	20	91%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	10%
			# Other Females	0	0%

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WORKFORCE STATISTICS – Carolina Sunrock LLC
CORPORATION STATISTICS

Total Workforce	128		# Black Males	38	30%
Total # Females	17	13%	# White Males	67	52%
Total # Males	111	88%	# Other Males	6	5%
			# Black Females	1	1%
			# White Females	16	12%
			# Other Females	0	0%

8. **Bid:** **Miscellaneous Traffic and Pedestrian Signals**

Purpose of Bid: To provide the Transportation Department with traffic and pedestrian signals.

Comments:

Opened: August 18, 2010

Bidders:	Atlantic Technical Sales, Inc.	* \$16,740.00
	Chantilly, VA	
	RAI Products	\$18,400.16
	Charlotte, NC	
	RGA, Inc.	\$19,528.00
	Powhatan, VA	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	7		# Black Males	0	0%
Total # Females	1	14%	# White Males	6	86%
Total # Males	6	86%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	1	14%

9. **Bid:** **Misc. Traffic Signal Repair Equipment**

Purpose of Bid: To provide the Transportation/Sign Shop with traffic signal repair equipment.

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Comments: Control Technologies is the eastern regional distributor of McCain Controller Systems and Hardware, PDC flashers and load switches and Eberle Design traffic conflict monitors.

Opened: August 23, 2010

Bidders: Control Technologies * \$18,143.00
Sanford, FL

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	25		# Black Males	2	8%
Total # Females	13	52%	# White Males	9	36%
Total # Males	12	48%	# Other Males	1	4%
			# Black Females	1	4%
			# White Females	10	40%
			# Other Females	2	2%

The SDBE Data Base was used in the solicitation of bids for these items.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

**SUBJECT: LEASE OF 112 WEST PARRISH STREET, FIRST FLOOR FOR THE
PARRISH STREET COMMON ROOM - BWS DURHAM, LLC**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute the lease agreement with BWS Durham, LLC for 3,251 square feet of rentable ground floor space at 112 West Parrish Street in Downtown Durham for use as the Parrish Street Common Room was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: FIRE STATION 9 - GARNER AND BROWN ARCHITECTS PA
PROFESSIONAL SERVICES CONTRACT**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute the Garner and Brown Architects PA Professional Services Contract in an amount not to exceed \$213,301.00;

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To establish a design contingency in the amount of \$32,000.00; and

To authorize the City Manager to negotiate and execute change orders to the Garner and Brown Architects PA Professional Services Contract provided the total cost does not exceed \$245,301.00 was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: RENEWAL OF THE INTERLOCAL COOPERATION AGREEMENT
FOR THE DURHAM ENVIRONMENTAL AFFAIRS BOARD**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the renewal of the interlocal cooperation agreement for the Durham Environmental Affairs Board and;

To authorize the City Manager to sign the agreement was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: INTERLOCAL COOPERATION AGREEMENT FOR OPEN SPACE AND
TRAILS PLANNING**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the renewal of the interlocal cooperation agreement for Open Space and Trails Planning was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: LICENSE AGREEMENT WITH KIMBRELL'S FURNITURE FOR SIGN
PROJECTING INTO THE RIGHT-OF-WAY**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a license agreement with Kimbrell's Furniture for sign projecting into the right of way was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: CONTRACT WS-81, 2010 WATER AND SEWER IMPROVEMENTS
PROJECT - PARK CONSTRUCTION OF NORTH CAROLINA,
INCORPORATED**

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MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract for WS-81, 2010 Water and Sewer Improvements Project with Park Construction of North Carolina, Incorporated in the amount of \$2,052,531.75;

To establish a contingency fund in the amount of \$307,879.76 (15%); and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed \$307,879.76 and the total project cost does not exceed \$2,360,411.51 was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: CENTRAL CAROLINA HOLDING LLC CONTRACT AMENDMENT #2

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute the amendment to the existing contract with Central Carolina Holding, LLC, which amendment provides for an additional three years of service beginning October 1, 2010 for a total price during the three year term of the amendment not to exceed \$692,850.00 (3100 tons annually @ \$74.50 per ton or \$230,950.00 per year) subject to annual appropriations was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: SOUTHERN REINFORCING MAIN PHASE II DESIGN CONTRACT - KIMLEY-HORN AND ASSOCIATES, INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract with Kimley-Horn and Associates, Inc, for the Southern Reinforcing Main Phase II Design Contract for \$1,034,996.00;

To establish a contingency fund for the contract in the amount of \$103,500.00; and

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders does not exceed \$103,000.00 and the total project cost does not exceed \$1,137,996.00 was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

The City Council disposed of the following agenda items at the September 23, 2010 Work Session:

23. Lanier Blum

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To receive comments from Lanier Blum regarding the budget and plans for affordable housing.

(Comments were received at the 09-23-10 Work Session)

24. Mitchell S. Battle

To receive comments from Mitchell Battle regarding the city park in the north Durham community.

(Citizen did not appear at the 09-23-10 Work Session)

25. Walltown Community Association

To receive comments from Audrey Mitchell regarding housing & target neighborhoods.

(Comments were received at the 09-23-10 Work Session)

Council Member Clement recognized PAC 451 boy scouts who were in attendance.

[GENERAL BUSINESS AGENDA]

SUBJECT: BEER AND WINE PRIVILEGE LICENSE ISSUANCE

Council Member Clement asked staff to include a subtotal for each PAC and total renewals on the next beer and wine report. Also, he raised a concern with the amount of licenses [renewal/new] being granted. He stated the return is very limited and there is a need to go to the legislature to seek a fee increase for these fees. He asked that a reference be included in the next legislative agenda.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to approve the list of establishments for a local beer and wine privilege license was approved at 7:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Acct	Status	Acct Name	Physical Address	Type
422	Renewal	Wilco #191	803 E Geer St	Convenience Store
423	Renewal	Wilco #195	1400 Miami Blvd	Convenience Store
2509	Renewal	Bekee Food Store & Grill	1302 Fay St	Restaurant
2804	Renewal	M&M Mini Mart	2128 Angier Ave	Convenience Store
3002	Renewal	Lighthouse Food Mart #101	2944 Holloway St	Convenience Store
3343	Renewal	Holloway Street Food Mart	1026 Holloway St	Convenience
3458	Renewal	Chino Latino Restaurant	2900 Holloway St	Restaurant

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3481	Renewal	Kwik Stop Food Mart	1600 Holloway St	Convenience
3495	Renewal	Village Bowling Lane	330 Hardee St	Bowling Lane
3737	Renewal	I-85 Amoco Shop	2108 Avondale Dr	Convenience
4466	Renewal	Joyland BP	2406 Holloway St	Convenience
5064	Renewal	Bethesda BP	1529 S Miami Blvd	Convenience
9345	Renewal	Community Store	106 S Guthrie Ave	Convenience Store
10193	Renewal	Los Primos Supermarket	1109 E Main St	Grocery Store
10690	Renewal	Etna #3162	2301 Holloway St	Convenience Store
11984	Renewal	Rose Mart #205	5108 Wake Forest Hwy	Convenience Store
13870	Renewal	Wellons Village Family Fare	921 N Miami Blvd	Convenience
15220	Renewal	Plaza Garibald	315 Foushee St	Restaurant
15867	Renewal	Colonial Village Family Fare #196	2110 N. Roxboro Road	Convenience
16352	Renewal	E & B Discounts	3302 Cheek Rd.	Discount Retailer
17186	Renewal	Taqueria Mi Pueblo	1408 Avondale Drive	Convenience Store
17888	Renewal	Star Carolina Food Mart, LLC	204 Hardee St	Convenience Store
18826	Renewal	Compare Foods	2000 Avondale Drive	Grocery Store
19714	Renewal	El Salvador Restaurant & Mexican	1002 East Geer St	Restaurant
20361	Renewal	Triangle Brewing Company Inc	918 Pearl St	Brewing Company
20872	Renewal	New Way Food	1907 Cheek Rd	Convenience Store
21615	Renewal	La Fondita, LLC	2000 Avondale Dr., Suite D	Restaurant
22313	Renewal	Steel Blue	1426-A South Miami Blvd	Club
22653	Renewal	Big Apple Food Mart	1505 Holloway St	Convenience
22932	Renewal	Brightleaf Club	2003 Copper Leaf Pkwy	Club House
23305	Renewal	CVS Pharmacy #1395	5111 Wake Forest Rd	Drug Store
23815	Renewal	Billiards and Records	2202 Avondale Dr	Pool Room
23998	Renewal	Stop-One Food Mart and Tobacco	1103 N Miami Blvd	Convenience Store
24353	Renewal	Palmas de Caribbean	821 N Miami Blvd	Restaurant
24452	Renewal	Tommy's Mini Mart #10	1701 S Miami Blvd	Convenience Store
24963	New	Durham Mini Mart	1933 Holloway Street Suite #B	Convenience Store
25387	New	Taqueria Mi Casita	111 South Alston Avenue	Restaurant
25651	New	EZ Mini Mart	702 N Alston Ave	Convenience Store
			Total PAC 1	38
352	Renewal	Kroger #332	3457 Hillsborough Rd	Grocery Store
354	Renewal	Kroger #366	1802 N Pointe Dr	Grocery Store
3835	Renewal	Upchurch Drugs	5112 N Roxboro Rd	Drug Store
4195	Renewal	North Durham Citgo	4535 N Roxboro Rd	Convenience

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				Store
4308	Renewal	The Pantry	4604 N Roxboro Rd	Convenience Store
4323	Renewal	Papa's Grill	1821 Hillandale Rd	Restaurant
4487	Renewal	Fast Food Mart #3	2106 Broad St	Restaurant
4517	Renewal	Homestead BP	2918 Guess Rd	Convenience
4871	Renewal	Umstead Rd BP	5109 Guess Rd	Convenience
4874	Renewal	Jump Shot Billards LLC	3405 Hillsborough Rd, Ste E	Pool Room
5033	Renewal	Wade's Texaco Service	1911 Guess Rd	Convenience
5045	Renewal	Country Store	4630 Hillsborough Rd	Convenience
5065	Renewal	Croasdaile BP	1815 Hillandale Rd	Convenience
5066	Renewal	Duke Street BP	3804 N Duke St	Convenience
5067	Renewal	Eno BP	5292 N Roxboro Rd	Convenience
5068	Renewal	Bragtown BP	3101 N Roxboro Rd	Convenience
5149	Renewal	El Corral Mexican Restaurant	1821 Hillandale Road	Restaurant
5167	Renewal	Golf Shop	1600 Hillandale Rd	Golf Shop
5201	Renewal	BP East Campus	805 Broad St	Convenience
5323	Renewal	La Maraka	3169 Hillsborough Rd	Restaurant
6666	Renewal	Kroger Limited Partnership I #33	5116 N Roxboro Rd	Grocery Store
8627	Renewal	Hilton Hotel	3800 Hillsborough Rd	Hotel
9622	Renewal	Rudino's Pizza & Grinders	1515 Northpointe Dr	Restaurant
10687	Renewal	Kangaroo Express #3091	3705 N Duke St	Convenience Store
10689	Renewal	Kangaroo Express #3442	3301 Guess Rd	Convenience Store
10958	Renewal	Dales Indian Cuisine	811 Ninth Street	Restaurant
11038	Renewal	Don Becerra	2301 N Roxboro Rd	Convenience Store
11771	Renewal	Manbites Dog Theater	703 Foster St	Theater
12339	Renewal	Texas Roadhouse	1809 Northpointe Dr	Restaurant
12557	Renewal	Handi Food	518 E Trinity Ave	Convenience Store
12593	Renewal	North Durham Mobil	5100 Guess Rd	Convenience Store
12695	Renewal	Bali Hai Mongolian Grill	811 Ninth Street	Restaurant
13426	Renewal	Cole Mill Billiards	1647 Cole Mill Road	Billiards
16435	Renewal	Bowlings Exxon	4530 N. Roxboro Road	Convenience Store
17187	Renewal	Tienda Mi Pueblo	1418 Avondale Dr	Store
17354	Renewal	Green Room (The)	1108 Broad Street	Bar
17431	Renewal	Joy Food Store	2109 N Roxboro Rd	Convenience Store
19150	Renewal	Thrills From The Grills	2827 North Roxboro Road	Caterer
20271	Renewal	Blu Seafood and Bar	2002 Hillsborough Rd	Restaurant
20870	Renewal	Town N Country #1	1423 E Club Blvd	Convenience Store
20907	Renewal	Watts Grocery	1116 Broad St	Grocery Store
20965	Renewal	Vin Rouge	2010 Hillsborough Rd	Restaurant
21362	Renewal	Palace International Restaurant &	1104 Broad St., Ste A	Restaurant

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		Catering		
21435	Renewal	Nice & Easy Food Market	201 E Geer St	Convenience Store
21461	Renewal	Pomodoro Italian Kitchen & Pizzeria	1811 Hillandale Road	Restaurant
21672	Renewal	Isla Bonita	2201 N Roxboro Rd	Restaurant
22179	Renewal	Meelos Restaurant	1821 Hillandale Rd., Suite 3	Restaurant
22515	Renewal	Quick Mart	3801 N. Duke Street	Convenience
22638	Renewal	Two Brothers Convenience Store	3310 Dearborn Dr	Convenience
22951	Renewal	Corner Store	407 Old Oxford Hwy	Convenience Store
22991	Renewal	El Cuscatleco II	5110 N. Roxboro Rd.	Restaurant
23406	Renewal	One Hop Food Mart	370 Old Oxford Highway	Convenience Store
23707	Renewal	Han-Dee Hugo's #77	1203 W. Club Blvd.	Convenience Store
24236	Renewal	Shanghai House	3808 Guess Rd., Suite G	Restaurant
24488	Renewal	El Rodeo Mexican Restaurant	3600 N Duke St., Suite 29	Restaurant
24517	Renewal	Tavern (The)	1900 W. Markham Ave.	Bar
25081	New	CVS/Pharmacy #4290	5311 Roxboro Road	Drug Store
25373	New	La Pista Nightclub	2409 Guess Rd Ste 11	Club
25701	New	Lloyds Lounge	704 Rigsbee Avenue	Lounge
25729	New	Best Entertainment	1803 W Markham Ave	Club
26085	New	Suritdor Supermarket	2022 Guess Rd., Ste C	Grocery Store
26185	New	Walgreens #11200	2793 Guess Road	Drug Store
26246	New	Destinee's Bar and Grill	2627 Hillsborough Road	Bar
26392	New	Trinity Food Mart	403 W. Trinity Avenue	Convenience Store
			Total PAC 2	64
720	Renewal	Fuddruckers Restaurant #301	1809 Martin Luther King Pkwy	Restaurant
2481	Renewal	University Market	1108 W Chapel Hill St	Convenience Store
4478	Renewal	West Campus BP	2432 Erwin Rd	Convenience Store
4593	Renewal	Boulevard BP	2685 Durham Chapel Hill Blvd	Convenience Store
4640	Renewal	Hope Valley BP	4148 Old Chapel Hill Rd	Convenience Store
4901	Renewal	Millennium Hotel Durham	2800 Campus Walk Ave	Restaurant
5071	Renewal	Westside BP	3511 Hillsborough Rd	Convenience Store
5180	Renewal	El Cuscatleco	4212 Garrett Rd	Restaurant
5280	Renewal	Garrett Road BP	4525 Durham Chapel Hill Blvd	Convenience Store
5443	Renewal	West 94th Street Pub	4711 Hope Valley Rd	Bar
5570	Renewal	Fast Food Mart #2	2947 Chapel Hill Rd	Convenience Store
5666	Renewal	Spartacus of Durham	4139 Durham Chapel Hill Blvd	Restaurant
5685	Renewal	Nana's Restaurant	2514 University Dr	Restaurant
5748	Renewal	China Palace Restaurant	5210 Garrett Rd	Restaurant
5770	Renewal	Walkers Grocery	1003 1/2 Morehead Av	Convenience Store

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5809	Renewal	Yamazushi Japanese Restaurant	4711 Hope Valley Rd	Restaurant
5897	Renewal	El Rodeo Mexican South	4215 University Dr	Restaurant
6076	Renewal	Academy Quick Stop	3006 Academy Rd	Convenience Store
6116	Renewal	Town N Country #7	3101 University Dr	Convenience Store
6145	Renewal	Four Square Restaurant	2701 Chapel Hill Rd	Restaurant
6152	Renewal	Doyle's Sports Bar	3219 Chapel Hill Rd	Bar
6288	Renewal	Homewood Suites	3600 Mt Moriah Rd	Hotel
6451	Renewal	Kurama Japanese Seafood Steak House	3644 Chapel Hill Blvd	Restaurant
6521	Renewal	R David Thomas Center	One Science Drive	Conference Center
6544	Renewal	Armadillo Grill on Campus	Bryan Center - Duke University	Restaurant
7239	Renewal	Kroger Limited Partnership I #331	202 W NC 54 HWY	Grocery Store
7473	Renewal	Orient Garden	202 W NC 54 HWY	Restaurant
7561	Renewal	Shiki Sushi Japanese Restaurant	207 W NC 54 HWY	Restaurant
7568	Renewal	El Dorado Mexican Restaurant #6	4900 HWY 55 Ste 140	Restaurant
9126	Renewal	Champps American Restaurant	8030 Renaissance Pkwy	Restaurant
9205	Renewal	Nordstrom	6910 Fayetteville Rd	Restaurant
10683	Renewal	Kangaroo Express #104	4835 Hope Valley Rd	Convenience Store
10686	Renewal	Zip Mart #3088	4830 Hope Valley Rd	Convenience Store
11213	Renewal	Kangaroo Express #3489	7840 Leonardo Dr	Convenience Store
12317	Renewal	Tsunami Sushi & Noodles	6118-B Farrington Rd	Restaurant
12388	Renewal	Rockfish Seafood Grill	8030 Renaissance Pkwy	Restaurant
12591	Renewal	Lakewood Amoco	218 Lakewood Dr	Convenience Store
13161	Renewal	Target Store T-1872	4037 Durham Chapel Hill Blvd	Retail
13225	Renewal	Rockwood Family Fare 402	2000 James St	Convenience Store
13232	Renewal	City Beverage	4810 Hope Valley Rd	Restaurant
13281	Renewal	Grayson's Café	2300 Chapel Hill Rd	Restaurant
13743	Renewal	Kangaroo Express #3101	2229 NC 54 HWY East	Convenience Store
13966	Renewal	Total Wines & More	3615 Witherspoon Blvd	Retail Store
14617	Renewal	Kroger	3420 Watkins Rd	Grocery Store
14822	Renewal	Honduras Bar & Restaurant	1121 University Dr	Restaurant
15033	Renewal	Cinelli's Ristorante & Pizzeria	5850 Fayetteville Rd	Restaurant
16324	Renewal	Durham Catering Company	2512 University Drive	Restaurant
16360	Renewal	Azteca Grill	1929 Chapel Hill Road	Restaurant
16597	Renewal	Pulcinellas Italian Restaurant	4711 Hope Valley Rd	Restaurant
16879	Renewal	Target Store T-2069	8210 Renaissance Pkwy	Retail Store
17103	Renewal	Tienda Y Carniceria "La Marqueta"	4701 Hillsborough Rd	Grocery Store
17381	Renewal	Kangaroo Express #3781	106 NC 54 HWY	Convenience Store
17475	Renewal	Tomato Jake's Pizzeria	8202 Renaissance Pkwy	Restaurant

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17698	Renewal	Nosh Restaurant	2812 Erwin Rd	Restaurant
18573	Renewal	Rays Billiards	3201 University Drive	Sports Bar
18828	Renewal	Carrabbas Italian Grill	5312 New Hope Commons	Restaurant
19103	Renewal	Four Points By Sheraton	7807 Leonardo Drive	Hotel
21099	Renewal	Brandywine Cellars Inc	6905 Fayetteville Rd Ste 101	Retail Store
21153	Renewal	Lone Star Steakhouse & Saloon	5307 New Hope Commons Drive	Restaurant
21218	Renewal	Rick's Diner & Catering, Inc.	4015 University Dr Ste A	Restaurant
21256	Renewal	Tommys	204 Wannamaker Dr.	Restaurant
21472	Renewal	Nasher Museum Café	2001 Campus Drive	Museum
21925	Renewal	La Luna Night Club	3019 Auto Drive	Club
22494	Renewal	Town N Country #8	412 LaSalle St.	Convenience Store
23324	Renewal	Panaderia La Favorita De Oaxaca	2022 Chapel Hill Rd.	Convenience Store
24581	New	Los Portales Mexican Restaurant	6905 Fayetteville Rd Ste 104	Restaurant
24730	New	Durham Pizza Restaurant	4707 Hillsborough Rd	Restaurant
24824	New	Chipotle Mexican Grill	2608 Erwin Road Suite #144	Restaurant
25811	New	Old Chapel Hill Road Family Fare #363	4161 Old Chapel Hill Road	Convenience Store
25834	New	Devil's Bistro	1917 Yearby Avenue	Restaurant
25839	New	Pop's Backdoor South	3710 Shannon Rd Ste 104	Restaurant
25892	New	Las Amazonas	2000 Chapel Hill Road Suite #14	Restaurant
26019	New	Blue Note Grill	4125 Durham Chapel Hill Blvd Ste 1	Restaurant
26110	New	Kurama Japanese Steakhouse & Sushi Bar	3644 Durham Chapel Hill Blvd	Restaurant
26303	New	Searle Conference Center	100 Bryan Searle Drive	Conference Center
			Total PAC 3	75
2351	Renewal	New Evans Mini Mart Inc.	710 S Alston Ave	Convenience Store
5069	Renewal	Triangle BP	5202 S Miami Blvd	Convenience
5070	Renewal	BP Lowes Grove	2317 E NC 54 HWY	Convenience
5452	Renewal	Zafa Temple #176 Grenadier Club	2312 S Alston Ave	Club
5618	Renewal	Bull City Lodge #317	2311 S. Alston Ave	Club
5707	Renewal	Parkview Mini Mart	433 Pilot St	Convenience Store
5833	Renewal	Stop N Go Food Mart	114 W Enterprise Street	Convenience Store
6115	Renewal	Town N Country #3	3700 Fayetteville Street	Convenience
7025	Renewal	Sal's Pizza	2103 Allendown Drive	Restaurant
7488	Renewal	Bombay Grille	2223 E NC 54 HWY	Restaurant
7572	Renewal	Residence Inn by Marriott	201 Residence Blvd #236	Hotel
9515	Renewal	Double Tree Guest Suites	2515 Meridian Pkwy	Hotel
10646	Renewal	Kroger Limited Partnership I #381	3825 S Roxboro St	Grocery Store
10684	Renewal	Kangaroo Express #838	2503 NC 55 HWY & Riddle Rd	Convenience Store
10688	Renewal	Kangaroo Express #3093	3223 NC 55 HWY	Convenience Store

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10691	Renewal	Kangaroo Express #3163	2322 NC 55 HWY	Convenience Store
11956	Renewal	Carolina Food Mart	1002 N Alston Ave	Convenience
13125	Renewal	Forest Hills Family Fare #255	1251 University Dr	Convenience
14860	Renewal	La Regia Latina Mexican	2601 NC 55 HWY	Restaurant
16080	Renewal	Cho Sun Ok Inc	2105 E NC 54 HWY	Restaurant
16287	Renewal	The Food Mart #16	4319 NC 55 HWY	Convenience Store
16447	Renewal	Sheraton Imperial Hotel	4700 Emperor Blvd	Hotel
16473	Renewal	Wine.Com	2410 Presidential Drive	Wine Retailer
16947	Renewal	Time Out Bar & Grill	4310 S. Miami Blvd	Restaurant
17379	Renewal	Kangaroo Express #3780	3321 NC 55 HWY	Convenience Store
19522	Renewal	Sheetz #398	3021 S Miami Blvd	Convenience Store
19826	Renewal	Discount Mart	3011 Fayetteville St	Retail Store
21155	Renewal	Hilton Garden Inn Southpoint	7007 Fayetteville Road	Hotel
21286	Renewal	Buy Quick Food Mart #5	103 W Cornwallis Rd	Convenience Store
21306	Renewal	Wisdom Beverage, LLC	4300 Emperor Blvd Suite #100	Bar
21314	Renewal	Papa Mojos Roadhouse LLC	5410 - Y Hwy 55	Restaurant
21387	Renewal	Carino's Italian Grill	6907 Fayetteville Road	Restaurant
21786	Renewal	Mez Contemporary Mexican	5410 Page Road Suite 8	Restaurant
22072	Renewal	Compare Foods	1233 University Drive	Grocery Store
22116	Renewal	Compass Wine Group	2423 S. Alston Ave., Unit A	Wine Retailer
23912	Renewal	Akashi Japanese Grill and Sushi Bar	2223 E NC 54 HWY #R-5	Restaurant
23986	Renewal	Durham Lodge #568 B.P.O.E	3920 S. Alston Avenue	Club
24562	New	Ruths Chris Steakhouse	7007 Fayetteville Road	Restaurant
26212	New	Durham Food World	401 E Lakewood Avenue	Grocery Store
			Total PAC 4	39
1869	Renewal	Toreros Mexican Restaurant	800 W Main St	Restaurant
2100	Renewal	Satisfaction Restaurant & Bar	905 W Main St, Ste 37	Restaurant
2157	Renewal	Carolina Theatre of Durham Inc	309 W Morgan St	Theater
2223	Renewal	Talk of the Town	108 E Main St	Bar
2333	Renewal	Shooters II Inc	827 W Morgan St	Bar
4349	Renewal	Whole Foods	621 Broad Street	Grocery Store
4595	Renewal	West Durham BP	1922 W Main St	Convenience
4806	Renewal	Blue Corn Café	716 Ninth Street	Restaurant
5202	Renewal	Freeway BP	308 S Alston Ave	Convenience
12198	Renewal	Fishmonger's Seafood Mkt	806 W Main St	Restaurant
12502	Renewal	Café Verde	2200 W Main St	Restaurant
12584	Renewal	M & M #4	801 N Mangum St	Convenience Store
12627	Renewal	Pops	810 W Peabody St	Club
14339	Renewal	Chamas Churrascaria	905 W Main St	Restaurant
15204	Renewal	MarVell Event Center	119 W Main St	Event Cente
15790	Renewal	Selam Convenience Store	106 Morris St	Convenience

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16188	Renewal	Tyler's Restaurant & Taproom	324 Blackwell St	Restaurant
16332	Renewal	Cosmic Cantina, Inc.	1920 1/2 Perry St	Restaurant
16826	Renewal	Trinity Park Family Fare #432	1016 W. Main Street	Convenience
16889	Renewal	Mt Fuji Asian Bistro Sushi & Bar	905 W Main Street	Restaurant
18615	Renewal	Metro 8	746 9th Street	Restaurant
18936	Renewal	Piedmont	401 Foster St	Restaurant
19320	Renewal	Pizza Italia Inc	905 W Main St	Restaurant
20027	Renewal	Parker and Otis	112 S. Duke Street	Restaurant
21036	Renewal	Down Under Pub	802 W Main St	Restaurant
21244	Renewal	Taverna Nikos	905 West Main Street Suite 21A	Restaurant
21761	Renewal	Toast	345 West Main Street	Restaurant
23077	Renewal	Chubby's Tacos	748 Ninth Street	Restaurant
23276	Renewal	Revolution Restaurant	107 W Main Street	Restaurant
23903	Renewal	Chloe's	1006 E Pettigrew St	Restaurant
24258	Renewal	Cuban Revolution Restaurant & Bar	318 Blackwell St	Restaurant
25042	Renewal	Republic	353 West Main Street	Restaurant
25316	Renewal	Beyu Caffe	335 W Main St	Restaurant
25631	New	Sunshine Mart	601 W Chapel Hill St	Convenience Store
25854	New	Tobacco Road Sports Cafe	280 S. Mangum Street Suite #100	Restaurant
25958	New	Pop's at West Village	605 W. Main Street	Restaurant
			Total PAC 5	36
			Total Beer/Wine Renewal	252

[PUBLIC HEARINGS]

SUBJECT: PLAN AMENDMENT – DURHAM PLACE (A1000005) – PLACE PROPERTIES

To conduct a public hearing to receive public comments on the Durham Place (A1000005) Plan Amendment;

To adopt a Resolution to Change the Land Use Designation on the Future Land Use Map of the Durham Comprehensive Plan from Office to Medium-High Density Residential (8-20 DU/Ac.).

Staff Recommendation: Approval, based on the justification and meeting the four criteria for plan amendments.

Planning Commission Recommendation: Approval, July 13, 2010, 14-0, based on the information provided in the staff report, the justification and meeting the four criteria for plan amendments.

Aaron Cain, of the City/County Planning Department, briefed Council on the plan amendment for Durham Place—south of Kangaroo Drive, east of US 15-501 bypass and west of S. LaSalle

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Street. He noted the applicant, Place Properties, is requesting a plan amendment to change the Future Land Use Map designation from office to medium high density residential and the primary use of the land would be for open space requirements for the proposed multi-family residential complex which is a part of the zoning case. He reported staff recommends approval based on the request meeting the four criteria for plan amendments and the Planning Commission recommended approval on July 13, 2010.

Mr. Cain certified that affidavits have been received in accordance with the requirements of the law for all plan amendments and zoning cases that are before Council tonight.

Mayor Bell opened the public hearing.

Stephen Freeman, representing Place Properties, urged Council to approve this item along with the zoning case. He stated this project would be a wonderful use for the property and a strong benefit to the students, faculty, personnel, alumni of Duke University, the medical center and the surrounding community.

Mayor Bell closed the public hearing.

MOTION by Council Member Ali seconded by Mayor Pro Tempore Cole-McFadden to receive public comments on the Durham Place (A1000005) Plan Amendment;

To adopt a Resolution to Change the Land Use Designation on the Future Land Use Map of the Durham Comprehensive Plan from Office to Medium-High Density Residential (8-20 DU/Ac.) was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9741

SUBJECT: ZONING MAP CHANGE – DURHAM PLACE (Z1000004) – PLACE PROPERTIES

To conduct a public hearing to receive public comments on the zoning map change for Durham Place (Z1000004);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1000004 out of Residential Urban – Multi-family (RU-M) and Commercial Center (CC) and placing same in and establishing same as Residential Urban – Multi-family with a development plan (RU-M(D)); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, should the plan amendment be approved, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

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Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, should the plan amendment be approved, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 14-0, on July 13, 2010. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the plan amendment be approved, the request would be consistent with the Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing, the information in the staff report, and additional commitments proffered by the applicant.

[The site is located at 400 South LaSalle Street, southwest corner of the intersection of South LaSalle Street and Kangaroo Drive. PINs: 0812-14-43-0503, -0771, -6244, -6510]

Aaron Cain, of the City/County Planning Department, briefed Council on the zoning map change for Durham Place. He stated the proposal is to change the zoning designation from residential urban multi-family and commercial center to residential urban multi-family with a development plan. He reported the development plan was submitted after the March 2009 adoption of the development plan text amendment which would make anything on the development plan a committed item. He stated there are a number of committed elements associated with the development plan which are referenced in the staff report. He stated staff is recommending approval of this request and the Planning Commission recommended approval on July 13, 2010.

Mayor Bell opened the public hearing.

Stephen Freeman, representing the applicant, urged Council to support this request.

No one spoke in opposition to this zoning map change.

Council Member Woodard asked the applicant if they would commit to making a \$17,000 contribution to Durham Public Schools since this proposed development would increase the number of students to 17.

Stephen Freeman, representing the applicant, replied yes to making a \$17,000 contribution to Durham Public Schools as a committed element.

As it relates to the Sandy Creek Greenway, Council Member Woodard asked the applicant if they had given any consideration to the recommendations from the Durham Bicycle and

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Pedestrian Advisory Commission and if they could offer commitments regarding their recommendations.

Bob Vance, representing the applicant, addressed the sidewalk issue along Kangaroo which would connect to the greenway which is a committed element on the west side of the creek and 15/501 which has been put aside as a future greenway on the plans. As part of the site and development plan, they would have a sidewalk along Kangaroo. He outlined that the bike lane has been reserved because there are portions of it within the Duke Energy easement.

Regarding the Sandy Creek Greenway, Pat Young, of the City/County Planning Department, noted the sidewalk connection that would be provided by the applicant is sufficient to serve as a connection.

Council Member Woodard asked the developer if they had any property at the rear that they could reserve for connection to the greenway.

Bob Vance, representing the applicant, stated there would be a retaining wall on the rear which is their stormwater management.

Council Member Woodard asked staff if the sidewalk connection is sufficient to connect residents and others who would like to access that greenway.

Pat Young, of the City/County Planning Department, replied yes.

Mayor Bell closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive public comments on the zoning map change for Durham Place (Z1000004);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1000004 out of Residential Urban – Multi-family (RU-M) and Commercial Center (CC) and placing same in and establishing same as Residential Urban – Multi-family with a development plan (RU-M(D)); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, should the plan amendment be approved, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #14060

SUBJECT: PLAN AMENDMENT – CALVIN STREET RESIDENTIAL (A1000007) – HABITAT FOR HUMANITY OF DURHAM

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To conduct a public hearing to receive public comments on the Calvin Street Residential (A1000007) Plan Amendment;

To adopt a Resolution to Change the Land Use Designation on the Future Land Use Map of the Durham Comprehensive Plan from Industrial to Medium-High Density Residential (8-20 DU/Ac.).

Staff Recommendation: Approval, based on the justification and meeting the four criteria for plan amendments

Planning Commission Recommendation: Approval, July 13, 2010, 14-0, based on the information provided in the staff report, the justification and meeting the four criteria for plan amendments.

Aaron Cain, of the City/County Planning Department, briefed Council on the plan amendment for Calvin Street requested by Habitat for Humanity of Durham. He indicated there is a zoning case associated with this request and the request would change the Future Land Use Map designation from industrial to medium-high density residential. He stated staff is recommending approval based on this request meeting the four criteria for plan amendments and the Planning Commission recommended approval on July 13, 2010.

Mayor Bell opened the public hearing.

David Larkins, Jr., representing Habitat for Humanity of Durham, spoke in support of this plan amendment. He stated this plan amendment would allow them to build two affordable housing units on Calvin Street.

Mayor Bell closed the public hearing.

MOTION by Council Member Clement seconded by Council Member Brown to receive public comments on the Calvin Street Residential (A1000007) Plan Amendment;

To adopt a Resolution to Change the Land Use Designation on the Future Land Use Map of the Durham Comprehensive Plan from Industrial to Medium-High Density Residential (8-20 DU/Ac.) was approved at 8:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9742

SUBJECT: ZONING MAP CHANGE – 1100 AND 1102 CALVIN STREET (Z1000007) - 1100 AND 1102 CALVIN STREET, EAST SIDE OF CALVIN STREET ON THE NORTHEAST CORNER OF THE INTERSECTION OF FERN

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**STREET AND CALVIN STREET – DAVID LARKINS, JR., HABITAT
FOR HUMANITY OF DURHAM**

To conduct a public hearing to receive public comments on the zoning map change for 1100 and 1102 Calvin Street (Z1000007);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1000007 out of Industrial Light (IL) and placing same in and establishing same as Residential Urban – 5(2) (RU-5(2)); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, should the plan amendment be approved, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, should the plan amendment be approved, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 14 – 0 on July 13, 2010. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the plan amendment be approved, the request would be consistent with the Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

[The site is located at 1100 and 1102 Calvin Street, east side of Calvin Street on the northeast corner of the intersection of Fern Street and Calvin Street. PINs: 0831-06-47-4662, -4667]

Aaron Cain, of the City/County Planning Department, briefed Council on the zoning map change for 1100 and 1102 Calvin Street. He noted the request is to change the zoning from light industrial to residential urban 5(2) to allow duplexes. He stated staff recommends approval of this request and the Planning Commission recommended approval on July 13, 2010.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this zoning map change, the Mayor closed the public hearing.

MOTION by Council Member Clement seconded by Council Member Brown to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in

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zoning map change case Z1000007 out of Industrial Light (IL) and placing same in and establishing same as Residential Urban – 5(2) (RU-5(2)); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, should the plan amendment be approved, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 8:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #14061

SUBJECT: THE CAROLINA OUTREACH (A0900006) PLAN AMENDMENT

To conduct a public hearing to receive public comments on the Carolina Outreach (A0900006) Plan Amendment;

To adopt a Resolution to Change the Land Use Designation on the Future Land Use Map of the Durham Comprehensive Plan from Medium Density Residential (6-12 DU/Ac.) to Commercial.

Aaron Cain, of the City/County Planning Department, stated the request by Carolina Outreach is to change the Future Land Use Map designation from medium density residential to commercial. He noted this area is to be used as a parking area for the existing structure--the former Elks Lodge--now occupied by Carolina Outreach. He stated staff is recommending approval based on the request meeting the four criteria for plan amendments and the Planning Commission recommended approval on August 10, 2010.

Mayor Bell opened the public hearing.

Susan Sewell, representing the Tuscaloosa-Lakewood Neighborhood Association, spoke in support of this request.

Mayor Bell closed the public hearing.

MOTION by Council Member Ali seconded by Council Member Catotti to receive public comments on the Carolina Outreach (A0900006) Plan Amendment;

To adopt a Resolution to Change the Land Use Designation on the Future Land Use Map of the Durham Comprehensive Plan from Medium Density Residential (6-12 DU/Ac.) to Commercial was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9743

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**SUBJECT: ZONING MAP CHANGE – CAROLINA OUTREACH (Z0900011) - 2670
DURHAM-CHAPEL HILL BOULEVARD, ON THE NORTH SIDE OF
DURHAM-CHAPEL HILL BOULEVARD, WEST OF MIDVALE ROAD**

To conduct a public hearing to receive public comments on the zoning map change for Carolina Outreach (Z0900011);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z0900011 out of Commercial General (CG) and Residential Suburban-Multi-family (RS-M) and placing same in and establishing same as Commercial General with a development plan (CG(D)); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, should the plan amendment be approved, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 12 – 0 on August 10, 2010. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the plan amendment be approved, the request would be consistent with the Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

[The site is located at 2670 Durham-Chapel Hill Boulevard, on the north side of Durham-Chapel Hill Boulevard, west of Midvale Road. PIN: 0820-05-09-5798 (partial)]

Aaron Cain, of the City/County Planning Department, briefed Council on the zoning map change requested by Carolina Outreach. He stated the applicant is requesting a zoning change from commercial general, residential suburban--multifamily to commercial general with a development plan. He reported the development plan was submitted after the 2009 adoption of the development plan text amendment which made everything noted on the development plan a committed element and the development plan would serve as the site plan and meets the criteria for both. He stated staff is recommending approval of this request and the Planning Commission recommended approval on August 10, 2010.

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Council Member Ali thanked the applicant for their hard work in improving the community.

Mayor Bell opened the public hearing.

Duane Stewart, representing the applicant, spoke in support of this zoning map change. He noted the existing two-story building already has parking and the majority of the parking in the rear is in residentially zoned property. He stated they discovered that their use did not allow for parking in a residential zone when they put in for a building permit. He stated the only area that they are requesting to be rezoned is the area for parking and the necessary buffers. He stated there would be a new property line following the zone line which would leave the property to the rear next to Bedford Street as a residential lot. He also informed Council the applicant has been able to reduce the impervious area on the lot.

Susan Sewell stated the Tuscaloosa-Lakewood Neighborhood Association passed a resolution at their September 2010 meeting in support of this zoning request. She discussed community meetings that took place with Carolina Outreach last year that led to the applicant modifying their original plan so that Bedford Street running behind their mixed zone lots remain zoned residential on both sides of the street. She stated they support this excellent example of urban tier repurposing of an existing commercial building, look forward to the addition of another segment of sidewalk along Chapel Hill Boulevard and the other upgrades in this plan.

No one spoke in opposition to this zoning map change.

Mayor Bell closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Ali to receive public comments on the zoning map change for Carolina Outreach (Z0900011);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z0900011 out of Commercial General (CG) and Residential Suburban-Multi-family (RS-M) and placing same in and establishing same as Commercial General with a development plan (CG(D)); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 8:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #14062

**SUBJECT: ANNUAL EVALUATION AND ASSESSMENT REPORT OF THE
DURHAM COMPREHENSIVE PLAN**

October 4, 2010

To conduct a public hearing to receive public comments on the Annual Evaluation and Assessment Report of the Durham Comprehensive Plan; and

To adopt a Resolution to amend the Durham Comprehensive Plan in accordance with the proposed changes to policies listed in the staff report.

Aaron Cain, of the City/County Planning Department, briefed Council on the annual evaluation and assessment of the Durham Comprehensive Plan. He outlined the purpose of evaluation and assessment report and reported there would be no rectification this year because of pending legal matters regarding one case adopted by the Durham County Commissioners. He asked Council to adopt the proposed text changes and to receive the report on the Comprehensive Plan implementation.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Clement seconded by Council Member Brown to adopt a Resolution to amend the Durham Comprehensive Plan in accordance with the proposed changes to policies listed in the staff report was approved at 8:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9744

SUBJECT: STATUTORY VESTED RIGHTS DETERMINATION—BETHPAGE VILLAGE AND CHIN PAGE OFFICE PARK (VR10-01)

To conduct a public hearing to receive public comments the statutory vested rights determination for Bethpage Village and Chin Page Office Park (VR10-01); and

To grant statutory vested rights determination for the subject property from Unified Development Ordinance Section 8.5 (Stream Buffers) for a period of five years from the point of Council determination based upon the approval of qualifying site specific development plan.

[The site is located on the north side of Chin Page Road, west of Page Road. PINs: 0748-03-94-7129, -04-91-5180, -0606, -92-7132, 0758-01-20-0345, -03-11-1174, -12-7965]

As a priority item by the City Manager, Mayor Bell stated the City Manager asked Council to open the public hearing and to continue the public hearing to November 15, 2010 without taking comments or receiving the staff report for this item.

Mayor Bell opened the public hearing.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to continue the public hearing to the November 15, 2010 City Council Meeting was approved at

October 4, 2010

8:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

[ITEMS PULLED FROM CONSENT AGENDA]

**SUBJECT: CITY OF DURHAM EMPLOYMENT AND TRAINING 2009-2011 GRANT
PROJECT ORDINANCE SUPERSEDING PROJECT ORDINANCE
#14044**

Victoria Peterson made comments regarding Triangle Citizens Rebuilding Communities being a grant recipient of the workforce development program. She asked Council to start matching federal funds by 25% or 30% for short term training programs.

MOTION by Council Member Ali seconded by Council Member Catotti to authorize the City Manager to accept the Employment and Training Grant by executing the grant documents; and

To adopt the Employment and Training Grant Project Ordinance FY 2009-2011 in the amount of \$1,769,080.87 superseding Grant Project Ordinance #14044 was approved at 8:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #14059

SUBJECT: SALE OF GENERAL OBLIGATION BONDS SERIES 2010A AND 2010B

Victoria Peterson asked if some of the bond funding could be used to bring fiber to this community that has not been designated.

Finance Director David Boyd reported all the funds that are being borrowed have been obligated to current projects and contracts and stated there is no additional funding.

MOTION by Council Member Woodard seconded by Council Member Ali to adopt the Resolution Authorizing the Issuance of not to exceed \$73,425,000.00 General Obligation Bonds;

To authorize the City Manager or his designee to execute other associated legal documents as necessary to complete this transaction; and

To authorize the City Manager to make changes to any of the legal documents prior to execution, so long as the changes are consistent with the intent of the agenda item memo and the existing version of the documents was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9740

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There being no further business to come before the City Council, the meeting was adjourned at 8:33 p.m.

Linda E. Bratcher, CMC
Deputy City Clerk

D. Ann Gray, MMC
City Clerk